

Board of Acupuncture
Minutes of the November 20, 2024, Public Hearing Meeting

BOARD OF ACUPUNCTURE

Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF PUBLIC MEETING

Date: November 20, 2024

Time: 1:00 p.m.

In-Person Meeting Location: King Kalakaua Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

Virtual: Virtual Videoconference Meeting – Zoom Meeting

Recording Link: <https://www.youtube.com/watch?v=yHbK1btRfmA>

The agenda for this meeting was posted on the State electronic calendar as required by HRS section 92-7(b).

Members Present: Deborah McMenemy, L.Ac., D.A.O.M., Chair
Brooke Foreman, L.Ac., D.A.C.M., Vice Chair
Sherry Mizumoto, L.Ac., D.A.O.M.
Marta Rebella, Public Member

Staff Present: Candace Ito, Supervising Executive Officer (“EO Ito”)
Lei Ana Green, Executive Officer (“EO Green”)
Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)
Christopher Leong, Deputy Attorney General (“DAG Leong”)
Johnny Li, Tech Support
Lorna Eugenio, Secretary

Guest(s): Tuesday Wasserman
Stacey Breshears
Barbara Ota
Billy F. Schultz
Wai H. Low
Rachel Halverson
Jayne Tsuchiyama
Clair Carlton
Elisha Zeitler
Bret Shimizu
Ahlani Quiogue, Licensing Administrator
Chris Thompson
Joni Kroll
Beckey Jacobs

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Kentaro
Tech Help
Ruby Gee
Tech Help

Virtual Meeting
Instructions:

A short video regarding virtual meetings was played for attendees. The Chair provided information on internet and phone access for today's virtual meeting and announced that today's meeting was being recorded and that the recording will be posted on the Board's web page.

Agenda:

The agenda for this public hearing was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

Call to Order:

There being a quorum present, the public hearing was called to order at 1:06 p.m. by Chairperson McMenemy. The Chair took a roll call of the Board members.

Introduction of
Board Members:

Chair McMenemy introduced herself, Board members, Executive officers, Deputy Attorney General Christopher Leong, and Board Staff.

Purpose:

Chair McMenemy stated that the purpose of this public hearing was to provide all interested people with an opportunity to submit data, views, or arguments, either orally or in writing, regarding proposed amendments to Hawaii Administrative Rules, Chapter 16-72, which pertains to acupuncture practitioners.

Notice of
Public Hearing:

Chairperson McMenemy read the Notice of Public Hearing in its entirety, which was published in five newspapers of general circulation, the Honolulu Star-Bulletin, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Island, on Monday, October 17, 2024.

The Board clarified that testimony would not be discussed, nor questions answered, during the public hearing. All oral and written testimony will be reviewed and considered at the regular Board meeting following the hearing, when a decision will be made.

Prior to opening the floor for oral testimony, the Chair acknowledged receipt of written testimony from the following:

- Cindy M. Ching, President, Acupuncturists of Hawaii
- Angela Wolfenberger, Registered Licensed Clinical Dietitian Nutritionist
- Stacy Brashers, President, Hawaii Academy of Nutrition and Dietetics
- Ralph Shenfeld, Senior Vice President, Health and Safety, The Institute
- Dr. Wai H. Low, President, Institute of Clinical Acupuncture and Oriental Medicine (ICOM)

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Testimony: The Following individuals provided oral testimony at the hearing:

1. Tuesday Wasserman: Licensed Acupuncturist and Staff Member at the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)

Ms. Wasserman explained that NCCAOM certification indicates that an acupuncturist has successfully passed standardized national examinations addressing practice standards, safety, and ethical and legal requirements. She noted that NCCAOM certification is required by 46 states, the District of Columbia, the Veterans Administration, third-party payers, and the public.

Regarding the proposed expansion of the scope of practice, Ms. Wasserman testified on behalf of the Arizona Board of Acupuncture, for which NCCAOM conducted research on acupuncture injection therapy. The research reviewed its viability, history, safety, efficacy, and legislative implementation to support the development of an assessment ensuring practitioner competency and safety. She stated that acupuncture injection therapy is currently permitted in 11 states and that many states are revising their practice acts to include it. She also offered to respond to any questions regarding certification or injection therapy practices.

Later in the hearing, Ms. Wasserman provided additional testimony in response to comments opposing the herbal medicine examination requirement. She emphasized that while acupuncture and herbal medicine are safe when performed by trained practitioners, some herbs are toxic, and proper training and oversight are essential for public safety. She highlighted the need for knowledge of herb toxicity (e.g., *fuzi* or aconite) and drug-herb interactions. Ms. Wasserman further noted that certified acupuncturists complete extensive supervised clinical training and must pass national board examinations. She cited Florida as an example of implementing a grandfather clause when requiring herbal medicine board certification, allowing current practitioners to continue practicing while requiring future applicants to meet the new standards. She added that similar requirements are in place in Florida, New Mexico, and California.

2. Stacey Breshears: President of the Hawaii Academy of Nutrition and Dietetics and a Registered Dietitian in Private Practice

Ms. Brashers expressed concern regarding the proposed amendment expanding the definition of acupuncture medicine to include lifestyle and nutritional counseling, which she believes could create a potential overlap with the scope of practice for dietitians.

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Ms. Brashers described the rigorous certification process for dietitians, including completion of a degree in nutrition, at least 900 hours of supervised practice, and passing a registration exam. She contrasted this with acupuncturist training, noting that dietary therapy in acupuncture is taught in the context of Chinese medicine, whereas dietitian training provides a broader understanding of nutrition therapy for managing various organ systems and disease conditions.

To illustrate her concern, Ms. Brashers shared a case in which a patient with chronic inflammation from arthritis and obesity received dietary advice from an acupuncturist that did not consider the patient's low caloric intake, multiple food sensitivities, or overall medical context, resulting in confusion. She contrasted this with the dietitian approach, which considers the patient's diet history, medical history, health goals, and overall nutritional needs.

Ms. Brashers clarified that the Hawaii Academy of Nutrition and Dietetics supports acupuncturists providing diet recommendations within the scope of Chinese medicine. However, she emphasized that the broad language of "diet and lifestyle counseling" in the proposed rules could leave consumers unaware of differences in approach and training between acupuncturists and dietitians.

3. Dr. Barbara Ota: President of the Hawaii Acupuncture Medicine Association

Dr. Barbara stated that her organization supports the proposed revision and concluded by thanking the Board for the opportunity to speak.

4. Dr. Billy Schultz: A recent doctoral school student graduate at The Institute of Clinical Acupuncture in Oriental Medicine and a member of the Acupuncturists in Hawaii (AI) Board

Dr. Schultz stated that he supports all proposed revisions except for the inclusion of the herbal portion of the examination. He expressed concern that requiring the herbal medicine board could create an obstacle, noting that herbal medicine is largely unregulated. He highlighted an apparent inconsistency: acupuncturists would be required to pass the herbal medicine board, whereas herbal pharmacies or dispensaries—such as those in Chinatown—may operate without any licensing, despite providing traditional Chinese medical advice.

5. Dr. Wai H. Low: President of the Institute of Clinical Acupuncture and Oriental Medicine (ICAOM), Honolulu

Dr. Low provided testimony focusing on two main topics: the professional title designation and the requirement for the herbal medicine certification examination. He reaffirmed his written testimony

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and recommended that the Board adopt the title “Diplomate of Acupuncture” instead of “Diplomate of Oriental Medicine.” He explained that the federal government has discontinued the use of the term “orient” in official documents and encouraged the Board to consider aligning the title with this standard to ensure appropriate and updated terminology.

Dr. Low also strongly recommended that the herbal medicine certification remain a separate, optional credential rather than a mandatory component of licensure. He explained that maintaining an herbal pharmacy is financially impractical for most practitioners, estimating that 80–90 percent of his graduates do not have herbal pharmacies because they cannot afford to stock all the herbs. He stated that requiring the herbal board exam creates a significant barrier to licensure, noting that graduates already face challenges passing the required NCCAOM exams and that it often takes at least one year after graduation to obtain a license since the exams are difficult and some applicants do not pass on their first attempt.

Dr. Low suggested that graduates be allowed to obtain licensure after passing the acupuncture-related exams, with the option to pursue herbal certification later through NCCAOM’s stand-alone herbal medicine credential. He further observed that insurance coverage for herbal medicine is very limited, with few, if any, insurance companies—possibly only one in California—offering reimbursement. He emphasized that herbal medicine has a strong safety record in Hawaii, with few or no complaints related to public harm. Dr. Low concluded by urging the Board to consider the challenges faced by students and new graduates entering practice and to balance public protection with practical realities for those beginning their professional careers.

6. Rachel Halverson: a registered and licensed dietitian in the State of Hawaii

Ms. Halverson thanked the Board for hosting the hearing and for the opportunity to speak on behalf of registered dietitians. She expressed her support for the testimony submitted by the Hawaii Academy of Nutrition and Dietetics (HAND)

7. Dr. Jayne Tsuchiyama: a former member and chair of the State Board of Acupuncture, a current board commissioner for the NCCAOM and Oriental medicine, licensed acupuncturist in the State of Hawaii

Dr. Tsuchiyama introduced herself as a former member and chair of the State Board of Acupuncture, having served multiple terms under two governors, and noted her familiarity with the rules revision process. She stated that she currently serves as a board commissioner for the NCCAOM in Oriental Medicine and has been a licensed acupuncturist in Hawaii since 2006. She shared that the majority of her clinical work

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was with oncology patients at The Queen's Cancer Center, where she founded the acupuncture program and secured several grants to provide treatment for low-income breast cancer patients.

Dr. Tsuchiyama explained that she is now primarily involved in healthcare advocacy, including work on HR 3133, a federal bill under consideration by Congress that would authorize Medicare coverage for acupuncture services for seniors (kūpuna). She expressed strong support for the proposed rule amendments, emphasizing that the rules have not been updated since 2000 and are long overdue. She noted that the revisions will modernize the scope of practice, enhance accessibility and safety for patients, and strengthen professional standards as the field continues to grow. Dr. Tsuchiyama concluded her testimony by urging the Board to approve the proposed amendments.

8. Claire Carlton: a registered and licensed dietitian

Ms. Carlton identified herself as a licensed and practicing registered dietitian in private practice, noting that she currently works with three other dietitians. She expressed her support for the written testimony submitted by the Hawaii Academy of Nutrition and Dietetics (HAND), which raised concerns regarding potential scope overlap in the proposed rules. Drawing from nearly a decade of professional experience, she urged the Board to reconsider and remove the terminology "lifestyle and nutritional counseling" from the definition of acupuncture medicine, explaining that the term "nutritional counseling" can be confusing for the public. She noted that patients often receive conflicting information from multiple sources, and that the language as written is vague.

Ms. Carlton emphasized the importance of protecting Medical Nutrition Therapy (MNT), which she defined as an evidence-based process used to treat or manage disease through nutrition. She explained that MNT involves a comprehensive assessment of nutritional status, the development of a nutrition diagnosis, diet modification, counseling, and specialized nutrition therapies provided by registered dietitian nutritionists or other qualified nutrition professionals. She concluded by stressing the need for clarity in the rule language and encouraged the Board to remove references to dietary and nutritional counseling from the proposed definition.

9. Dr. Elisha Zeitler: a recent graduate of ICAOM

Dr. Zeitler expressed her support for the testimony of Dr. Billy Schultz and Dr. Wai H. Low, focusing on the potential negative impact of making the herbal portion of the licensure examination mandatory for recent graduates. Identifying herself as a recent graduate of the Institute of Clinical Acupuncture and Oriental Medicine (ICOM), she stated that requiring the herbal exam immediately upon graduation would create a significant obstacle to licensure and delay her ability to begin practicing.

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Dr. Zeitler discussed the financial and time pressures faced by new practitioners, noting that her student loan payments would begin in March and that the additional cost and preparation time for the herbal exam would be burdensome. She observed that while herbalism was taught as part of her program in Hawaii, many acupuncture schools on the mainland offer it as an elective rather than a required component. Dr. Zeitler supported the idea of making herbal certification a separate, optional credential for practitioners who wish to include herbal medicine in their practice. She concluded that many acupuncturists intend to focus solely on acupuncture and should not be required to take an examination for a practice area they may not use.

Adjournment: With no further testimony presented, Chair McMenemy adjourned the meeting at 1:39 p.m.

Taken and Recorded by:

/s/ Young-Im Wilson
Young-Im Wilson
Executive Officer

10/04/2025

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 11/7/2025

